

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Quality Carriers, Inc.  
5042 Cecelia Street  
Southgate, California 90280

EPA ID# FLR 000 057 414

Respondent

Docket No. HWCA 2005-0965

CONSENT ORDER

Health and Safety Code

Section 25187

The State Department of Toxic Substances Control (Department) and Quality Carriers, Inc. (Respondent) enter into this Consent Order and agree as follows:

1. Respondent transports hazardous waste at 5042 Cecelia Street, Southgate, California 90280 (Site).
2. The Department inspected the Site on June 15, 2005.
3. The Department alleges the following violation:
  - 3.1. The Respondent violated Health and Safety Code section 25201 subdivision (a), in that prior to June 15, 2005, Respondent operated a hazardous waste transfer facility from truck to rail without a permit or grant of authorization from the Department.
4. The parties wish to avoid the expense of litigation and to ensure prompt compliance.
5. Jurisdiction exists pursuant to Health and Safety Code section 25187.
6. Respondent waives any right to a hearing in this matter.
7. This Consent Order shall constitute full settlement of the violation alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

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8.1. Respondent shall cease transferring hazardous waste from truck to rail without a permit from the Department.

8.2. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violation cited herein.

Mukul Agarwal, Unit Chief  
Statewide Compliance Division  
1011 North Grandview Avenue  
Glendale, California 91201

9.1. Department Review and Approval: If the Department determines that the application, report, plan, schedule, or other document submitted for approval pursuant to the Order fails to comply with the Order or fails to protect public health or the environment, the Department may return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

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1           9.3. Endangerment during Implementation: In the event that the  
2 Department determines that any circumstances or activity (whether or not pursued in  
3 compliance with this Consent Order) are creating an imminent or substantial  
4 endangerment to the health or welfare of people on the site or in the surrounding area  
5 or to the environment, the Department may order Respondent to stop further  
6 implementation for such period of time as needed to abate the endangerment. Any  
7 deadline in this Consent Order directly affected by a Stop Work Order under this section  
8 shall be extended for the term of such Stop Work Order.

9           9.4. Liability: Nothing in this Consent Order shall constitute or be  
10 construed as a satisfaction or release from liability for any conditions or claims arising  
11 as a result of past, current, or future operations of Respondent, except as provided in  
12 this Consent Order. Notwithstanding compliance with the terms of this Consent Order,  
13 Respondent may be required to take further actions as are necessary to protect public  
14 health or welfare or the environment.

15           9.5. Site Access: Access to the Site shall be provided at all  
16 reasonable times to employees, contractors, and consultants of the Department, and  
17 any agency having jurisdiction. Nothing in this Consent Order is intended to limit in any  
18 way the right of entry or inspection that any agency may otherwise have by operation of  
19 any law. The Department and its authorized representatives may enter and move freely  
20 about all property at the Site at all reasonable times for purposes including but not  
21 limited to: inspecting records, operating logs, and contracts relating to the Site;  
22 reviewing the progress of Respondent in carrying out the terms of this Consent Order;  
23 and conducting such test as the Department may deem necessary Respondent shall  
24 permit such persons to inspect and copy all records, documents, and other writings,  
25 including all sampling and monitoring data, in any way pertaining to work undertaken  
26 pursuant to this Consent Order.

27           9.6. Sampling, Data, and Document Availability: Respondent shall  
28 permit the Department and its authorized representatives to inspect and copy all  
sampling, testing, monitoring, and other data generated by Respondent or on

Respondent's behalf in any way pertaining to work undertaken pursuant to this Consent Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Consent Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Consent Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Consent Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Consent Order.

9.7. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 12.2, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

9.8. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

9.9. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

10. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

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Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21<sup>st</sup> Floor  
P. O. Box 806  
Sacramento, California 95812-0806

Mukul Agarwal, Unit Chief  
Statewide Compliance Division  
Department Of Toxic Substances Control  
1011 North Grandview Avenue  
Glendale, California 91201

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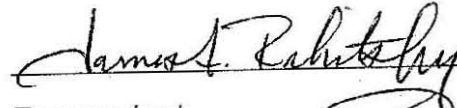
12.1. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

1           12.2. Parties Bound: This Consent Order shall apply to and be binding  
2 upon Respondent and its officers, directors, agents, receivers, trustees, employees,  
3 contractors, consultants, successors, and assignees, including but not limited to  
4 individuals, partners, and subsidiary and parent corporations, and upon the Department  
5 and any successor agency that may have responsibility for and jurisdiction over the  
6 subject matter of this Consent Order.

7           12.3 Effective Date: The effective date of this Consent Order is the  
8 date it is signed by the Department.

9           12.4 Integration: This agreement constitutes the entire agreement  
10 between the parties and may not be amended, supplemented, or modified, except as  
11 provided in this agreement.

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15 Dated: 3/13/06

  
Respondent  
Quality Carriers, Inc.

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19 Dated: 3/15/06

  
Department Of Toxic Substances Control